





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent of: )  
)  
Gary K. Michelson )  
) (Serial No.: 09/618,037)  
Patent No.: 6,428,542 )  
) (Filed: July 17, 2000)  
Issue Date: August 6, 2002 )  
)  
For: SINGLE-LOCK ANTERIOR )  
CERVICAL PLATE )

Certificate of Correction Branch  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**REQUEST FOR ISSUANCE OF CORRECTED PATENT UNDER 37 C.F.R. § 1.322(b)**

Pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322(b), this is a request for the issuance of a corrected patent for U.S. Patent No. 6,428,542. Two (2) copies of Form PTO-1050 involving five (5) pages each are appended.

The mistakes identified in the appended Form occurred through the fault of the Patent Office, as clearly disclosed by the records of the application which matured into this patent. Applicant believes that the errors occurred during the renumbering of the claims prior to printing, and for the Commissioner's convenience, we enclose a table outlining the proper numbering of the claims in association with the changes listed on Form PTO-1050.

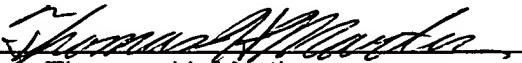
Applicant respectfully requests the Commissioner's consideration in issuing a corrected patent in lieu of a Certificate of Correction. However, if the Commissioner

does not deem a corrected patent appropriate, the issuance of the Certificate of Correction containing the corrections is earnestly requested.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: August 30, 2002

By:   
Thomas H. Martin  
Registration No. 34,383

14500 Avion Parkway, Suite 300  
Chantilly, VA 20151-1101  
Telephone: (703) 679-9300  
Facsimile: (703) 679-9303



**CLAIM NUMBER COMPARISON**

| PRINTED/ISSUED<br>CLAIM NUMBER | CORRESPONDING<br>ORIGINAL CLAIM<br>NUMBER | DATE OF LAST<br>PRESENTATION | PROPER<br>DEPENDENCY |
|--------------------------------|---|------------------------------|----------------------|
| 1                              | 538                                       | March 5, 2002                | Independent          |
| 2                              | 539                                       | November 19, 2001            | 1                    |
| 3                              | 541                                       | November 19, 2001            | 2                    |
| 4                              | 542                                       | November 19, 2001            | 1                    |
| 5                              | 543                                       | November 19, 2001            | 1                    |
| 6                              | 544                                       | November 19, 2001            | 5                    |
| 7                              | 545                                       | November 19, 2001            | 1                    |
| 8                              | 546                                       | November 19, 2001            | 7                    |
| 9                              | 547                                       | November 19, 2001            | 7                    |
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| 11                             | 549                                       | November 19, 2001            | 1                    |
| 12                             | 550                                       | November 19, 2001            | 1                    |
| 13                             | 551                                       | November 19, 2001            | 1                    |
| 14                             | 552                                       | November 19, 2001            | 1                    |
| 15                             | 553                                       | November 19, 2001            | 1                    |
| 16                             | 555                                       | November 19, 2001            | 1                    |
| 17                             | 556                                       | November 19, 2001            | 1                    |
| 18                             | 557                                       | November 19, 2001            | 1                    |
| 19                             | 558                                       | November 19, 2001            | 18                   |
| 20                             | 560                                       | November 19, 2001            | 1                    |
| 21                             | 561                                       | November 19, 2001            | 1                    |
| 22                             | 650                                       | March 5, 2002                | 21                   |
| 23                             | 562                                       | November 19, 2001            | 21                   |
| 24                             | 563                                       | March 5, 2002                | 21                   |
| 25                             | 564                                       | November 19, 2001            | 1                    |
| 26                             | 565                                       | November 19, 2001            | 25                   |
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| 28                             | 649                                       | March 5, 2002                | 1                    |
| 29                             | 651                                       | March 5, 2002                | 1                    |
| 30                             | 652                                       | March 5, 2002                | 1                    |
| 31                             | 653                                       | March 5, 2002                | 1                    |
| 32                             | 566                                       | March 5, 2002                | Independent          |
| 33                             | 567                                       | April 18, 2001               | 32                   |
| 34                             | 568                                       | April 18, 2001               | 32                   |
| 35                             | 569                                       | April 18, 2001               | 34                   |
| 36                             | 570                                       | November 19, 2001            | 32                   |

|    |     |                   |             |
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| 38 | 572 | April 18, 2001    | 37          |
| 39 | 573 | April 18, 2001    | 32          |
| 40 | 574 | November 19, 2001 | 39          |
| 41 | 575 | November 19, 2001 | 39          |
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| 44 | 578 | April 18, 2001    | 32          |
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| 52 | 588 | April 18, 2001    | 32          |
| 53 | 589 | April 18, 2001    | 32          |
| 54 | 656 | March 5, 2002     | 53          |
| 55 | 590 | April 18, 2001    | 32          |
| 56 | 591 | March 5, 2002     | 53          |
| 57 | 592 | April 18, 2001    | 32          |
| 58 | 593 | April 18, 2001    | 57          |
| 59 | 654 | March 5, 2002     | 32          |
| 60 | 655 | March 5, 2002     | 32          |
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| 63 | 659 | March 5, 2002     | 32          |
| 64 | 594 | March 5, 2002     | Independent |
| 65 | 595 | April 18, 2001    | 64          |
| 66 | 609 | March 5, 2002     | 80          |
| 67 | 610 | March 5, 2002     | 64          |
| 68 | 611 | April 18, 2001    | 67          |
| 69 | 599 | April 18, 2001    | 64          |
| 70 | 596 | November 19, 2001 | 64          |
| 71 | 597 | April 18, 2001    | 64          |
| 72 | 606 | April 18, 2001    | 64          |
| 73 | 603 | November 19, 2001 | 64          |
| 74 | 604 | November 19, 2001 | 73          |
| 75 | 598 | April 18, 2001    | 64          |
| 76 | 600 | April 18, 2001    | 64          |
| 77 | 662 | March 5, 2002     | 80          |
| 78 | 601 | April 18, 2001    | 64          |
| 79 | 602 | April 18, 2001    | 64          |
| 80 | 607 | April 18, 2001    | 64          |

|     |     |                   |             |
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| 82  | 660 | March 5, 2002     | 64          |
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| 85  | 664 | March 5, 2002     | 64          |
| 86  | 665 | March 5, 2002     | 64          |
| 87  | 621 | March 5, 2002     | Independent |
| 88  | 622 | November 19, 2001 | 87          |
| 89  | 624 | November 19, 2001 | 87          |
| 90  | 625 | November 19, 2001 | 87          |
| 91  | 626 | November 19, 2001 | 87          |
| 92  | 668 | March 5, 2002     | 91          |
| 93  | 627 | November 19, 2001 | 91          |
| 94  | 628 | March 5, 2002     | 91          |
| 95  | 629 | November 19, 2001 | 87          |
| 96  | 666 | March 5, 2002     | 87          |
| 97  | 667 | March 5, 2002     | 87          |
| 98  | 669 | March 5, 2002     | 87          |
| 99  | 670 | March 5, 2002     | 87          |
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| 101 | 633 | November 19, 2001 | 100         |
| 102 | 634 | November 19, 2001 | 100         |
| 103 | 635 | November 19, 2001 | 100         |
| 104 | 673 | March 5, 2002     | 103         |
| 105 | 636 | November 19, 2001 | 103         |
| 106 | 637 | March 5, 2002     | 103         |
| 107 | 638 | November 19, 2001 | 100         |
| 108 | 671 | March 5, 2002     | 100         |
| 109 | 672 | March 5, 2002     | 100         |
| 110 | 674 | March 5, 2002     | 100         |
| 111 | 675 | March 5, 2002     | 100         |
| 112 | 639 | March 5, 2002     | Independent |
| 113 | 642 | November 19, 2001 | 112         |
| 114 | 643 | November 19, 2001 | 112         |
| 115 | 644 | November 19, 2001 | 112         |
| 116 | 678 | March 5, 2002     | 115         |
| 117 | 645 | November 19, 2001 | 115         |
| 118 | 646 | March 5, 2002     | 115         |
| 119 | 647 | November 19, 2001 | 112         |
| 120 | 676 | March 5, 2002     | 112         |
| 121 | 677 | March 5, 2002     | 112         |
| 122 | 679 | March 5, 2002     | 112         |
| 123 | 680 | March 5, 2002     | 112         |

UNITED STATES PATENT AND TRADEMARK OFFICE

**CERTIFICATE OF CORRECTION**

PATENT NO: 6,428,542 B1  
DATED: August 6, 2002  
INVENTOR: Michelson, Gary K.

Page 1 of 5

It is hereby certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 30,

~~Claim 4~~, line 1: change "2" to --1--;

Column 31, ~~claim 23~~,

Line 2: change "includes" to --is--; change "one of" to --in part other than--; and change "morpho-" to --.--;

Line 3: delete in its entirety;

Line 4: delete in its entirety;

Column 32,

~~Claim 37~~, line 2: change "inital" to --initial--;

~~Claim 38~~, line 3: change "inital" to --initial--;

~~Claim 39~~, line 2: change "inital" to --initial--;

Column 33, ~~claim 49~~,

Line 3: change "face fir" to --ference fit--;

Column 33, ~~claim 50~~,

Line 6: delete in its entirety;

Line 7: delete in its entirety;

Line 8: delete "overlie the anterior aspect of the";

Column 33, ~~claim 54~~,

Line 1: change "33" to --53--;

Column 33, ~~claim 55~~,

Lines 1-4: rewrite to read as follows:

--The plate of claim 32, wherein said fusion promoting substance is at least in part other than bone.--;

Column 33, ~~claim 56~~,

Line 1: change "52" to --53--;

Column 33, ~~claim 57~~,

Lines 1-5: rewrite to read as follows:

--The plate of claim 32, further comprising bone screws for engaging said plate to the cervical spine, wherein at least a portion of one of said plate, said locking element, and said bone screws is a bioresorbable material.--;

UNITED STATES PATENT AND TRADEMARK OFFICE

**CERTIFICATE OF CORRECTION**

PATENT NO: 6,428,542 B1  
DATED: August 6, 2002  
INVENTOR: Michelson, Gary K.

Page 2 of 5

It is hereby certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 33, ~~claim 58~~

Line 1: change "52" to --57--;

Column 33, ~~claim 59~~

Line 1: change "52" to --32--;

Column 34, ~~claim 64~~

Line 13: change "insereted" to --inserted--;

Line 15: change "initial" to --initial--;

Column 34, ~~claim 65~~

Lines 1-2: rewrite to read as follows:

--The plate of claim 64, further comprising at least one bone screw having a leading end for insertion into the cervical spine and a trailing end opposite said leading end, said trailing end including a surface generally transverse to a longitudinal axis of said screw, said locking portion contacting said generally transverse surface of said bone screw.--;

Column 34, ~~claim 66~~

Line 1: change "64" to --80--;

Column 34, ~~claim 67~~

Line 1: change "52" to --64--;

Column 34, ~~claim 69~~

Line 4: change "vertebrel" (both occurrences) to --vertebral--;

Column 34, ~~claim 70~~

Lines 1-3: rewrite to read as follows:

--The plate of claim 64, wherein said locking portion in the final position covers at least a portion of only one of said bone screw receiving holes.--;

Column 34, ~~claim 71~~

Lines 1-6: rewrite to read as follows:

--The plate of claim 64, wherein said locking portion has a low profile so as to not interfere with overlying tissues and adjacent vessels and neurological structures when said locking portion is in the final position.--;



**CERTIFICATE OF CORRECTION**

PATENT NO: 6,428,542 B1  
DATED: August 6, 2002  
INVENTOR: Michelson, Gary K.

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It is hereby certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 34, claim 72,

Line 1: delete "system" and change "69" to --64--;

Column 34, claim 75,

Lines 1-3: rewrite to read as follows:

--The plate of claim 64, wherein at least one end of said plate is configured to cooperatively engage a compression tool for movement of at least one vertebral body toward another vertebral body during installation of said plate.--;

Column 34, claim 76,

Lines 1-2: rewrite to read as follows:

--The plate of claim 64, wherein said lower surface of said plate has a concave curvature configured to conform to the anterior aspect of at least a portion of two cervical vertebral bodies.--;

Column 34, claim 77,

Line 1: change "76" to --80--;

Column 35, claim 78,

Lines 1-6: rewrite to read as follows:

--The plate of claim 64, wherein at least a portion of said lower surface is roughened to promote the growth of bone along said lower surface.--;

Column 35, claim 79,

Lines 1-4: rewrite to read as follows:

--The plate of claim 64, wherein at least one of said bone screw receiving holes is configured to form an interference fit with a properly dimensioned bone screw to be received therein.--;

Column 35, claim 80,

Line 1: delete "system" and change "77" to --64--;

Column 35, claim 81,

Line 1: delete "system";

Column 35, claim 85,

Line 3: change "ingtowth" to --ingrowth--;

UNITED STATES PATENT AND TRADEMARK OFFICE

**CERTIFICATE OF CORRECTION**

PATENT NO: 6,428,542 B1  
DATED: August 6, 2002  
INVENTOR: Michelson, Gary K.

Page 4 of 5

It is hereby certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 35, ~~claim 87~~

Lines 15-19: rewrite to read as follows:

--cervical spine and a trailing end opposite said leading end, at least one of said bone screws including proximate said trailing end a contact surface area generally transverse to the central longitudinal axis of said bone screw--;

Line 26: after ":", insert --each of said bone screw receiving holes having a central longitudinal axis and being adapted to receive one of said bone screws to attach said plate to the cervical spine--;

Column 36,

~~Claim 88~~, line 6: change "plate" to --body--;

~~Claim 92~~, line 2: change "pormoting" to --promoting--;

~~Claim 94~~, line 2: change "morphofe-" to --morphoge- --;

~~Claim 97~~, line 1: change "67" to --87--;

Column 36, ~~claim 100~~

Line 17: change "section" to --sectional--;

Line 20: after "area" insert --at the maximum cross sectional dimension, said contact surface area--;

Line 26: after "cervical" insert --vertebral bodies, each of said bone screw receiving holes having a central--;

Column 37,

~~Claim 110~~, line 1: after "wherein" insert --at least--;

~~Claim 112~~, line 8: change "oppisite" to --opposite--;

UNITED STATES PATENT AND TRADEMARK OFFICE

**CERTIFICATE OF CORRECTION**

PATENT NO: 6,428,542 B1  
DATED: August 6, 2002  
INVENTOR: Michelson, Gary K.

Page 5 of 5

It is hereby certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 38,

~~Claim 113~~, line 6: change "og" to --of--;

~~Claim 123~~, line 1: change "122" to --112--.

Mailing Address of Sender:  
Martin & Ferraro, LLP  
14500 Avion Parkway – Suite 300  
Chantilly, VA 20151-1101

PATENT NO. \*\*\*  
No. of add'l copies  
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